

### **REMARKS**

Claims 1-7 and 23-32 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-2, 6, 23-24, 28 and 30-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fissler (U.S. Pat. No. 5,487,329) and Sollo (U.S. Pat. No. 6,782,599). This rejection is respectfully traversed.

At the outset, Applicant wishes to note that independent Claim 1 claims "calibrating the multi-part bottom using a displacement controlled pressing device having a position control following the connecting of the base body to the multi-part bottom such that the multi-part bottom is bulged inwards with respect to the lower side thereof a predetermined distance" and independent Claim 23 claims "calibrating the multi-part bottom by a displacement-controlled pressing device having a position control such that the bottom is bulged inwards with respect to a lower side of the multi-part bottom following the connecting of the base body to the multi-part bottom."

Generally, it is known from the state of the art to manufacture aluminum sandwich bottoms by means of inductive soldering. However, due to high heat insertion during the soldering process and the different heat expansion properties of the materials to be joined (i.e. steel and aluminum), the bottom can bulge outwards (concave) after soldering. This bulging can prevent the cookware from resting planar on the cooking surface. To overcome this problem, the present invention claims a further process step,

to be completed after connecting the multi-part bottom to the base body, that allows correct geometric calibration (slightly convex) of the bottom such that it rests planar on the cooking surface during heating.

This calibration is completed using a “displacement-controlled” press device, such as a toggle press. Due to the different material components of the cookware bottom and the manufacturing process, the exact force necessary for this calibration can vary. Conventional force-controlled presses can not accommodate such material variations and can result in unreliable calibration. However, the present teachings employ the displacement-controlled press device that can calibrate the multi-part bottom, irrespective of the materials, to a known shape.

In the most recent Office Action, the Examiner correctly acknowledged that “Fissler is silent to calibrating the multi-part bottom using a displacement controlled pressing device having a position control” (Office Action dated August 19, 2009, page 3). Therefore, the Examiner is left with Sollo to allegedly teach “calibrating the multi-part bottom using a displacement controlled pressing device having a position control following the connecting of the base body to the multi-part bottom” (Claim 1) and “calibrating the multi-part bottom by a displacement-controlled pressing device having a position control such that the bottom is bulged inwards with respect to a lower side of the multi-part bottom following the connecting of the base body to the multi-part bottom” (Claim 23).

The Examiner alleges that Sollo teaches “calibrating a bottom using a displacement controlled pressing device having a position control” (Office Action, page 3). However, Sollo merely teaches a first “forming step” (Col. 5, line 23) that is later

referred to as a “shaping step” (Col. 5, line 50). This shaping step shapes a flat disc 2 into a “semimanufactured vessel A [20]” (Col. 5, line 53) via a “drawing of substantially normal type, operated using a matrix 18 and a drawing punch 19 that cooperate with the aid of a pressure bar, not shown (FIG. 7).” (Col. 5, lines 30-34). Up to this one, disc 2 is a single-layer member. Sollo then states explicitly that “[a]fter the shaping step and the pickling, the process includes the penetration of first and second points 6a, 6b into the thickness of the flat member . . . is induced by compression. Said compression step, can take place e.g., by press-stamping (FIG. 8) of the plate member 1 on the bottom portion 20 of the semimanufactured vessel A. . . .” (Col. 6, lines 1-9). Sollo goes on to describe the joining of additional layers and/or elements to this surface. However, it should be noted that Sollo fails to teach or suggest the use of a “displacement-controlled press device having a position control”. Moreover, the alleged teachings of Sollo upon which the Examiner relies all occur prior to joining into a multi-part bottom. Therefore, Applicant respectfully submits that the alleged combination of Fissler and Sollo fails to teach or suggest the claimed invention. Moreover, it appears that the specific teachings of Fissler and Sollo are silent with regard to a displacement-controlled press device being used after the joining process.

For at least these reasons, Applicant submits that Fissler and Sollo, either singly or in combination, fail to teach or suggest the claimed invention of independent Claims 1 and 23. Likewise, Applicant submits that Fissler and Sollo fail to teach or suggest the claimed invention set forth in the claims dependent on Claims 1 and 23. Reconsideration and withdrawal of the present rejection are respectfully requested.

Claims 3-5 and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Fissler (U.S. Pat. No. 5,487,329) and Sollo (U.S. Pat. No. 6,782,599) as applied to claims 1 and 23 above, and further in view of Chatterton et al. (U.S. Pat. No. 6,149,053). This rejection is respectfully traversed.

At the outset, Applicant respectfully directs the Examiner's attention to the arguments set forth above in connection with independent Claims 1 and 23, as Claims 3-5 and 25-27 depend therefrom. Likewise, Applicant submits that Chatterton et al. fails to teach or suggest the claimed calibration step using a displacement-controlled press device following a connecting step by which the base body and multi-part bottom are joined. For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the present rejection.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By: /G. Gregory Schivley/  
G. Gregory Schivley  
Reg. No. 27,382

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

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